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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,102	10/14/2003	Mark Anderson	4714P001C2	6792

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EXAMINER
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DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/686,102

Applicant(s)

ANDERSON ET AL.

Examiner

Khanh Dinh

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-19 and 21-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-15,18,19,21-32,35 and 36 is/are rejected.
- 7) ☒ Claim(s) 16,17,33 and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is in response to the Amendment and Response filed on 1/31/2005. Claims 3 and 20 are canceled. Claims 1, 2, 4-19 and 21-36 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 4-7, 9-18, 21-24 and 26-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Akatsu et al., US pat. No.6,523,064.

As to claim 1, Akatsu discloses a method to perform geolocation activities relating to a query, the method including:

receiving a query including an Internet address from an external entity at a geolocation system (see abstract, fig.8, col.8 lines 32-60).

responsive to receipt of the generating geographic data and network data at the geolocation system to map the query to a geographic location (using address mapping table, see col.8 line 61 to col.9 line 21).

wherein the geolocation activities include collecting data pertaining to the network address and mapping the network address to the geographic location based on the collected data (see figs.13-14, col.11 line 28 to col.12 line 58).

As to claim 4, Akatsu discloses the collecting of the data includes tasking a plurality of data collection machines to collect the data (see figs.13-14, col.11 line 28 to col.12 line 58).

As to claim 5, Akatsu discloses that the query is received via an Application Program Interface (API) (see fig.20, col.14 lines 7-50 and col.15 line 41 to col.16 line 57).

As to claims 6 and 7, Akatsu discloses the query is received via a customer extranet, mapping in a geolocation system includes determining whether the network address is likely to fall within a consolidated domain of network addresses maintained within a database (see figs.13-14, col.11 line 28 to col.12 line 58).

Art Unit: 2151

As to claim 9, Akatsu further discloses the mapping includes identifying a network address block around the network address included within the query (see col.8 line 32 to col.9 line 21).

As to claim 10, Akatsu discloses the mapping includes running an exact geolocation process to determine geolocation information for the network address (see 11 line 28 to col.12 line 48).

As to claim 11, Akatsu discloses running an exact geolocation process to determine geolocation information for the identified network address block around the network address (see 11 line 28 to col.12 line 48).

As to claim 12, Akatsu further discloses a group of geolocation processes including a traceroute, a latency calculation, a hostname matching operation and a DNS process (see fig.20, col.14 lines 7-50 and col.15 line 41 to col.16 line 57).

As to claim 13, Akatsu further discloses running an inexact geolocation process to determine geolocation information for the network address (see fig.20, col.14 lines 7-50 and col.15 line 41 to col.16 line 57).

As to claim 14, Akatsu further discloses that mapping includes forwarding the network address for manual resolution (see figs.13-14, col.11 line 28 to col.12 line 58).

As to claim 15, Akatsu further discloses that the mapping includes a tiered process, including a plurality of sequential automated mapping operations (see fig.20, col.14 lines 7-50 and col.15 line 41 to col.16 line 57).

As to claim 18, Akatsu discloses a geolocation system to perform geolocation activities relating to a query, the method including:

- a first system for receiving a query, including a network address, from an external entity at a geolocation system (see abstract, fig.8, col.8 lines 32-60).

- a second system coupled to the first system and responsive to receipt of the query, initiating geolocation activities at the geolocation system to map the query to a geographic location (using address mapping table, see col.8 line 61 to col.9 line 21).

- wherein the geolocation activities include collecting data pertaining to the network address and mapping the network address to the geographic location based on the collected data (see figs.13-14, col.11 line 28 to col.12 line 58).

Claims 21-32 are rejected for the same reasons set forth in claims 4-15 respectively.

Claims 35 and 36 are rejected for the same reasons set forth in claims 1 and 18 respectively.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 8, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akatsu in view of Zoken et al, (hereafter Zoken), U.S. pat. No.5,944,787.

As to claims 2 and 19, Akatsu further discloses the network address is received from an external entity (user's queries) at a geolocation system, and a mapping process is initiated, at the geolocation system responsive to the receipt of the network address, to map the network address to a geolocation (see fig.20 and col.15 line 41 to col.16 line 57). Akatsu does not specifically disclose in response to a user accessing a website operated by the external entity, and the network addresses is the network address associated with a machine of the user. However, Zoken in the same network environment further discloses the query is received from the external entity responsive to a user accessing a website operated by the external entity, and the network addresses is the network address associated with a machine of the user (see col.5 line 25 to col.6 line 67). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize Zoken's request into the computer system of Akatsu for providing Internet Protocol address with multiple web servers it would have

Art Unit: 2151

allowed users to identify one or more geographic locale associated with detected Internet Service Provider (see Zoken's col.3 lines 41-67) and thus provided more choice of useful domains to appropriate users in a communications network.

As to claims 8 and 25, Akatsu's teachings still applied as in claim 3 above. Akatsu does not specifically disclose a service provider, an educational, business and government domain. However, Zoken in the same network environment a group of domains including an educational, business and government domain [top-level domains including "gov" (government institutions), "edu" (educational institutions), "org" (public and private organizations)] (see Zoken's fig.2, col.1 lines 13-46 and col.3 lines 41-67). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize Zoken's various domains into the computer system of Akatsu for providing network domains because it would have allowed users to identify one or more geographic locale associated with detected Internet Service Provider (see Zoken's col.3 lines 41-67) and thus provided more choice of useful domains to appropriate users in a communications network.

#### ***Allowable Subject Matter***

6. Claims 16, 17, 33 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 2, 4-19 and 21-36 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Claims 1, 4-15, 18, 19, 21-32, 35 and 36 are rejected.

9. Claims 16, 17, 33 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (703) 872-9306.

*A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned (35 U. S. C. Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).*

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

Art Unit: 2151

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khanh Dinh  
Patent Examiner  
Art Unit 2151  
4/29/2005